

Fox Hill Estates, Phase 3 Environmental Assessment

General Instructions

It shall be the responsibility of the subdivider to submit the information required by this Section with the preliminary plat. This Environmental Assessment format shall be used by the applicant in compiling a thorough description of the potential impacts for the proposed subdivision. Each question pertinent to the proposal must be addressed in a full comprehensive and systematic fashion (both maps and text). Incomplete Environmental Assessments will not be accepted.

The Environmental Assessment will be objectively measured to assure that all mandatory elements are included and that, based upon objective standards, all prospective impacts are adequately addressed. At a minimum the Environmental Assessment must contain the following for all assessment contents:

- a. A summary of probable impacts and statement of impact for each environmental consideration topic;
- b. A discussion to support the statement of impact;
- c. Referenced sources and citations to support the statement of impact;
- d. If applicable, site specific maps and documentation to support the statement of impact discussion.

If, at any time during the application process, material information comes to light that is not addressed in the Environmental Assessment, the subdivider shall be required to amend the environmental Assessment to adequately address the issue. In this event the 60 working day review period is suspended and will not resume until the revised Environmental Assessment has been submitted, reviewed and approved by the Planning and Zoning Office. Following review and acceptance of the amended Environmental Assessment, the application process will resume at the same stage of the 60 working day review period that the original application was before the additional information came to light.

Environmental Assessment Contents

There are two major sections to the Environmental Assessment. The first section incorporates the natural systems provisions of 76-3-603 and 76-3-608, MCA. The second section evaluates the impacts to the human community and incorporates 76-3-608(3)(a) criteria for public health, safety, and local services. The sources of information for each section of the Assessment shall be identified. All Environmental Assessments shall contain the signature, date of signature and mailing address of the owner of the property and the person, or persons, preparing the report and citation and a copy of all supporting information. . (Note: Any response to any section not specifically sourced in this report is attributed to the Author of the report.)

Section 1 – Resource Assessment and Impact Criteria Report

a. Surface Water:

- i. Locate on the preliminary plat all surface water and the delineated 100 year floodplain(s) which may affect or be affected by the proposed subdivision including:

Blaine Creek runs along the western boundary of Phase 3. There is a small floodplain delineated along Blaine Creek and it is shown on the plat of Phase 3. The subdivision proposes building envelopes to require building in the upland areas of the development and out of any potential floodprone area or associated wetlands..

- A. All natural water systems such as perennial and intermittent streams, lakes and ponds, rivers, or marshes.

An ephemeral stream, Blaine Creek, is indicated along the western boundary of Lots 1- 6. The 100- year floodplain is also designated on the face of the plat as per Firm Map 300231835J. The western edge of the creek is bordered by “Park A” of the Fox Hills Estates subdivision, which encompasses 7.354 acres. A portion of the southern edge of the stream borders Park B.

- B. All artificial water systems such as canals, ditches, aqueducts, reservoirs, irrigation or drainage systems.

There are no artificial water systems such as, canal, ditches, reservoirs, or shared agricultural irrigation systems on the subject parcel. There no artificial water impoundments associated with the property at present. .

- ii. Describe all probable impacts to surface waters which may affect or be affected by the proposed subdivision including name, approximate size, present use, and time of year when water is present and proximity of proposed construction (e.g. buildings, sewer systems, and roads) to surface waters.

Blaine Creek flows on the western edge of six lots. There is a 100-year floodplain, which is designated on the plat, and this floodplain crosses into approximately 60 feet of the western boundary of each lot. (See attached FIRM panel 30029C1835J). The approximate 100 year floodplain line has been indicated on the preliminary plat. The remainder of the property is out of the Floodplain. A wetland area is associated with the Creek. Calypso Ecological Consulting located the wetland areas on the property

and staked them so that the Surveying crew could pick the line up in the field and delineate it on the Preliminary Plat. A significant area west of Blaine Creek was placed in parkland as part of a previous phase of Fox Hill Estates. Building envelopes have been designated on the preliminary plat. These sites range from 60-220 feet from the centerline of the stream. A community water and sewer system has been designed to accommodate these eight lots, and the proposal has undergone rigorous review by the Department of Environmental Quality. The approval documents are included within this application for your reference. Part of this approval process included a "non-degradation" analysis, in which the applicant provided evidence that the new lots will not contaminate or degrade State waters.

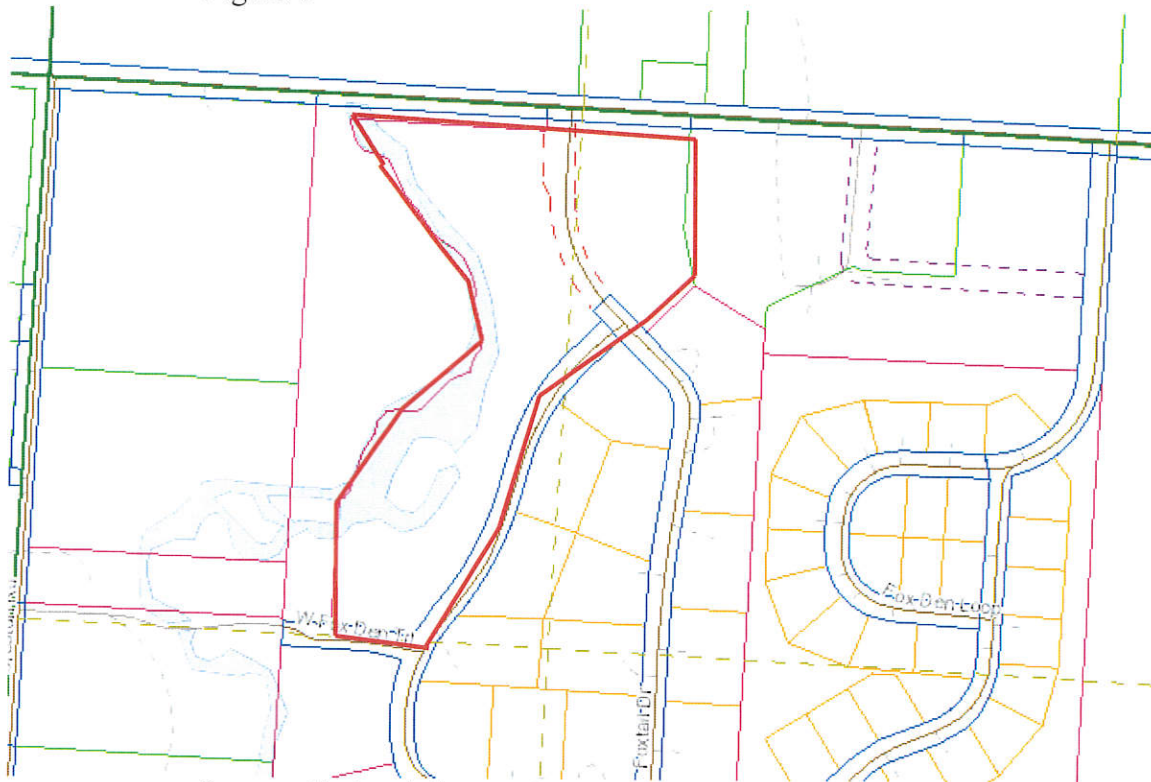
- iii. Describe any existing or proposed stream bank or shoreline alterations or any proposed construction or modification of lake beds or stream channels. Provide information on location, extent, and purpose of alteration. If any construction or changes are proposed which require a 310 Permit from the Flathead County Conservation District the subdivider shall acknowledge that the permit is required and will be obtained prior to final plat.

There are no stream bank alteration proposed.

- iv. If wetlands are present, the subdivider shall provide a map showing wetland areas. A wetlands investigation completed by a qualified consultant, using the most current U.S. Army Corps of Engineers' Wetlands Delineation Manual may be required. If any construction or changes are proposed which require a 404 Permit, the subdivider shall acknowledge that the permit is required and will be obtained.

There are wetlands associated with the Blaine Creek frontage. A professional wetland delineation firm, Calypso Ecological Consulting, conducted the field work and located the wetlands in the field for this preliminary plat application. The wetlands are contained to the low lands along the creek so building envelopes are established to contain development in the uplands.

Figure 1



Source: Flathead County GIS – Wetland Layer

b. Ground Water:

- i. Establish the seasonal minimum and maximum depth to water table, dates on which these depths were determined, and the location and depth of all known aquifers which may be affected by the proposed subdivision. Monitoring may be waived if evidence of minimum and maximum groundwater elevations can be documented.

A perched aquifer tends to follow the course of the ephemeral stream. This subdivision will not impact this groundwater due to wastewater because of the remote treatment, (effluent is pumped to a common drainfield within Phase IV). See attached groundwater monitoring data for the entire Fox Hill Estates submittal. Test holes 1,2,4,5,6 are specific to this application. Test hole 3 is within Park A. An approved DEQ document is included within this submittal. Additional soils information is provided from Land and Water Consulting (Roger Noble, now doing business as Applied Water – Appendix A).

- ii. If determined from subsection (b)(i) above that any area within the proposed subdivision is within eight feet of the surface, the high water table shall be measures from tests taken during the period of the highest groundwater elevations, generally from March 15 through June 30, during average precipitation years and reported in the environmental assessment.

Test Hole data from Phase 3 is included with this application (Test Holes 1, 2, 4, 5, & 6). According to the data, there was water to 8.5 feet. This data was collected in 2003. MDEQ approved these eight lots of Phase 3 for connection to the Fox Hill Estates Water and Sewer District. (See Appendix A for the Environmental Consulting data and Appendix B MDEQ EQ#08-2829)

- iii. Describe any steps necessary to avoid probable impacts and the degradation of ground water and ground water recharge areas as a result of the subdivision.

The proposed subdivision is not located within a groundwater recharge area. The public wastewater system was analyzed and approved by and in accordance with the Montana Department of Environmental Quality (MDEQ) nondegradation procedures (See Appendix A - Environmental Consulting) The nondegradation analyses shows that calculated phosphorous breakthroughs for the wastewater system exceeds MDEQ minimum standards.

The stormwater management system is also designed to the MDEQ standards using shallow on-site detention basins. The road system and infrastructure need to support Phase 3 is in place and was approved by a Licensed Professional Engineer.

c. Geology/Soils:

- i. Locate on the preliminary plat any known geologic hazards affecting the subdivision which could result in property damage or personal injury due to rock falls or slides, mud, snow; surface subsidence (e.g., settling or sinking); and seismic activity.

As significant construction has taken place on the property, there was no discernable hazards noted by the contractors or developers of the previous three phasaes. The roads, Fox Den Trail, West Fox Den Trail and Foxtail Drive have been completed and signed off by a licensed, professional engineer. None of the above-noted geologic hazards were found on the property. The map indicating the potential for seismic activity shows a fault line lying approximately 3.5 miles to the east.

- ii. Explain what measures will be taken to prevent or materially lessen the danger and probable impacts of future property damage or personal injury due to any of the hazards referred to above.

As there are no hazards noted, no anticipated measures will be taken..

- iii. Explain any unusual soil, topographic or geologic conditions on the property which limit the capability for building or excavation using ordinary and reasonable construction techniques. The explanation should address conditions such as shallow bedrock, high water table, unstable or expansive soil conditions, and slope. On the preliminary plat identify any slopes in excess of 40 percent.

Fox Hill Estates Phase 3 is the last phase of a multi-phase development that will have 72 lots when this phase is complete. There are numerous houses in the development as well as road and utilities. There were no issues with construction in these Creston Soils. As indicated by the topographic lines on the preliminary plat, the property is gently sloping with no slopes close to 40%.

- iv. Identify any soils constraints, including probable impacts due to expansive soils, hydric soils, or any soils which limit sanitary facilities. Explain special design considerations and methods needed to overcome the soil limitations.

Environmental Consulting dug numerous test holes on the site and Roger Noble conducted a deep bore. Based on a review of all soil descriptions and subsequent soil reports, there does not appear to be any significant constraints for proposed building, road or wastewater treatment system construction. (See Appendices A)

- v. Describe the location and amount of any cut or fill three or more feet in depth. These cuts and fills should be indicated on a plat overlay or sketch map. Where cuts or fills are necessary, describe any plans to prevent erosion and to promote re-vegetation such as replacement of topsoil and grading.

The site is very gentle. All of the infrastructure (Roads, Sewer, Water, and Power) supporting Phase 3 is already in place and the sites are revegetated.

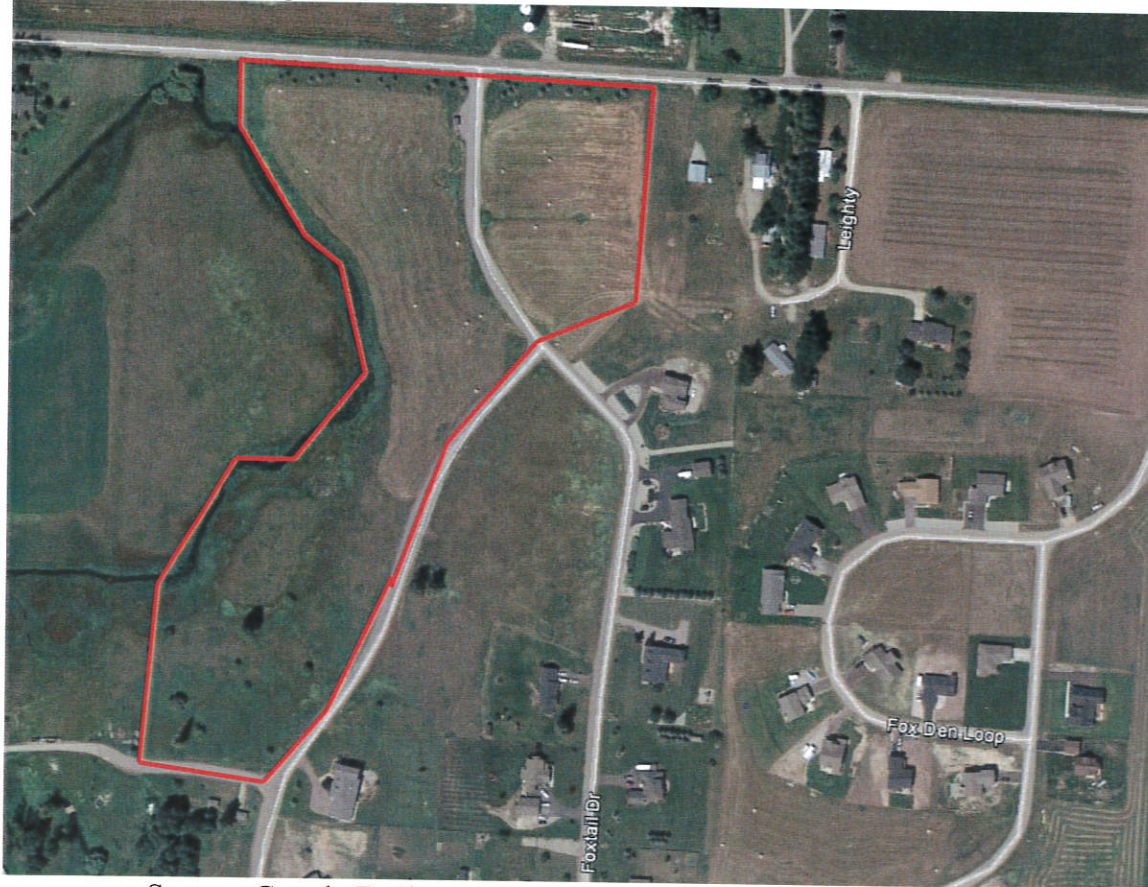
d. Vegetation:

- i. On a sketch map or aerial photo indicate the distribution of the major vegetation types such as marsh, grassland, shrub, coniferous forest, deciduous forest, mixed forest, including critical plant communities such as stream bank or shore line vegetation; vegetation on steep, unstable slopes; vegetation on soils highly susceptible to wind or water erosion.

Phase 3 of Fox Hill consists of grasslands with some shrubs, few trees, and some hay field. Blaine Creek runs along the bottom of the property

but it is grass land and not marsh in nature. Phase 3 is very similar to the previous phases. (See Aerial Photo, Figure 2).

Figure 2.



Source: Google Earth

- ii. Identify locations of noxious weeds and identify the species of weeds and explain measures to control weed invasion.

As a once productive farm, the property has been under continuous weed management for many years. As with any property in Flathead County, there are some noxious weeds along the edges of fields. The developer, future lots owners, and the Homeowners Association (HOA) will continue to eradicate the subdivision of noxious weeds (CC&R's Appendix F).

- iii. Describe any probable impacts and any protective measures to preserve trees and critical plant communities (e.g., design and location of roads, lots and open spaces).

As Phase 3 had a preliminary plat at one time and the Developers received MDEQ approval for Phase 3 along with the other three phases, all of the roads and utilities are in place. The Phase 3 subdivision is essentially ready for final plat once a new preliminary plat is approved.

e. Wildlife:

To write this section of the EA, the Montana Natural Heritage Program was consulted for Species of Concern data (Plant and animal).

- i. Describe species of fish and wildlife which use the area affected by the proposed subdivision.

Whitetail deer and pheasant were witnessed on the property during a site visit. Other species of wildlife that may use the site including: black bear, raccoon, coyote, small mammals, and a diversity of passerine birds. The Montana Heritage Program (MHP) provided a search of its records of Species of Concern (SOC) for a twenty square mile area around the proposed subdivision site. According to the Montana Heritage Program, there are four species of concern sighted in the general area of the subdivision. The species listed are the Great Blue Heron, Bald Eagle, Long-billed Curlew, and the Great Gray Owl. The Great Blue Heron appear to have been documented west and south west of the proposed subdivision although they may hunt the creek bottom on occasion. The bald eagle was witnessed along Mill Creek but eagles are seen all over the valley. The Owl was witnessed along a pond a mile south of the property and the Curlew was seen near the proposed subdivision. Given that the subdivision has set aside the west side of the creek as a park area and the building envelopes protect the creek and associated wetlands, any Curlew habitat on the property should continue to be preserved. The final phase of the Fox Hill Estates should have no negative impact on any of the four SOC. (The full MHP response is included as Appendix C)

- ii. Identify on the preliminary plat any known critical or "key" wildlife areas, such as big game winter range, waterfowl nesting areas, habitat for rare or endangered species, or wetlands.

There does not appear to be any key wildlife areas within the project. Blaine Creek's associated wetlands would appear to be the only habitat and this is composed primarily of sedges and grasses as opposed to shrubs and trees. The Preliminary Plat identifies the wetland boundaries and the building envelopes will prohibit development in the wetland areas..

- iii. Identify rare and endangered species on-site. Describe the impacts and measures to mitigate the impact(s), or submit a statement explaining why no impact is anticipated, providing documentation to support that statement.

The Montana Heritage Program (MHP) provided a search of its records of Species of Concern (SOC) for a twenty square mile area around the

proposed subdivision site. According to the Montana Heritage Program, there are four species of concern sighted in the general area of the subdivision. The species listed are the Great Blue Heron, Bald Eagle, Long-billed Curlew, and the Great Gray Owl. The Great Blue Heron appear to have been documented west and south west of the proposed subdivision although they may hunt the creek bottom on occasion. The bald eagle was witnessed along Mill Creek but eagles are seen all over the valley. The Owl was witnessed along a pond a mile south of the property and the Curlew was seen near the proposed subdivision. Given that the subdivision has set aside the west side of the creek as a natural park area and the building envelopes protect the creek and associated wetlands, any Curlew habitat on the property should continue to be preserved. The final phase of the Fox Hill Estates should have no negative impact on any of the four SOC. (The full MHP response is included as Appendix C)

- iv. Describe any probable impacts and proposed measures to protect or enhance wildlife habitat or to minimize degradation (i.e., keeping building and roads back from shorelines; setting aside marshland as undeveloped open space).

This will be the third time Phase three will be reviewed. Fox Hill Estates, which included Phase 3, first received preliminary plat approval on April 29, 2003. Phase three expired before the applicants could reach final plat as this was at the time when State Law only allowed a single extension. A second preliminary plat for Phase 3 was granted by the County Commissioners on February 17, 2009. This approval coincided with the worst real estate downturn in decades and as a result, the applicants let this approval expire rather than final plat and hold more lots in a depressed market. Now that the real estate market for rural lots is rebounding, the applicants would like to resume the preliminary plat process and complete the subdivision.

As a result of the of the subdivision history above, this property have been in the process of development over the past 13 years. Any presumed manmade impact associated with development is already present on the site and the completion of Phase 3 should have no increased impact.

- v. It is recommended that the subdivider discuss the impact of the proposed development on fish and wildlife with the Department of Fish, Wildlife and Parks (FWP) and incorporate any recommendations from the agency to mitigate wildlife impacts.

As this subdivision is the final phase of a four phase development and this specific phase has had two previous preliminary plat approvals, it was concluded that any new impact would be extremely minimal and we should not waste the valuable time of FW&P staff to review this project.

f. Wildlife Habitat

- i. Proposed subdivisions that are contiguous to urbanized areas are presumed to have minimal impacts of wildlife habitat.

The proposed subdivision is not in the urban confines of Kalispell or Evergreen. The subdivision is the final phase of a four phase project that first received preliminary plat approval in 2003 and to date 64 lots have been create in Fox Hill Estates adjacent to the proposed Phase 3. Neighboring subdivisions include Sunny Dene and Creston View Estates. Given the number of lots and density of the neighborhood, the proposed subdivision should have minimal impacts on wildlife habitat.

- ii. Proposed subdivision in locations with riparian areas, wetlands, rivers, streams, lakes, or other natural surface waters are presumed to have an impact on wildlife habitat. Describe the impact(s) and measures to mitigate the impact(s), or submit a statement explaining why no impact is anticipated, providing documentation to support that statement.

There is a wetland associated with Blaine Creek along the southern edge of Phase 3. The wetland was delineated by Calypso Environmental Consulting and surveyed by Sands Surveying. Sands Surveying than placed the data on the preliminary plat in order to design building envelopes that avoid the wetland and floodplain areas. By prohibiting development in and filling of the wetland areas, impacts to the wetlands should be mitigated.

- iii. Proposed subdivisions in an area with rare or endangered species, as identified by state or federal agencies, are presumed to have an impact on the habitat of these species. Describe the impacts(s) and measures to mitigate the impact(s), or submit a statement explaining why no impact is anticipated, providing documentation to support that statement.

As stated previously, the Montana Heritage Program (MHP) provided a search of its records of Species of Concern (SOC) for a twenty square mile area around the proposed subdivision site. According to the Montana Heritage Program, there are four species of concern sighted in the general area of the subdivision. The species listed are the Great Blue Heron, Bald Eagle, Long-billed Curlew, and the Great Gray Owl. The Great Blue Heron appear to have been documented west and south west of the proposed subdivision although they may hunt the creek bottom on occasion. The bald eagle was witnessed along Mill Creek but eagles are seen all over the valley. The Owl was witnessed along a pond a mile south of the property and the Curlew was seen near the proposed subdivision. Given that the subdivision has set aside the west side of the

creek as a natural park area and the building envelopes protect the creek and associated wetlands, any Curlew habitat on the property should continue to be preserved. The final phase of the Fox Hill Estates should have no negative impact on any of the four SOC. (The full MHP response is included as Appendix C)

- iv. Proposed subdivisions on or adjacent to land identified by state or federal agencies as critical habitat are presumed to have an impact on wildlife habitat. Describe the impact(s) and measures to mitigate the impacts(s), or submit a statement explaining why no impact is anticipated, providing documentation to support that statement.

The Blaine Creek drainage and wetland is not identified critical habitat to my knowledge. However as stated previous in this report, the wetland was delineated by professional ecologists and this wetland boundary was transferred to the preliminary plat map so that building envelopes could be created that prohibit construction within the wetland areas. Therefore whether critical habitat or not, the wetlands will be protected.

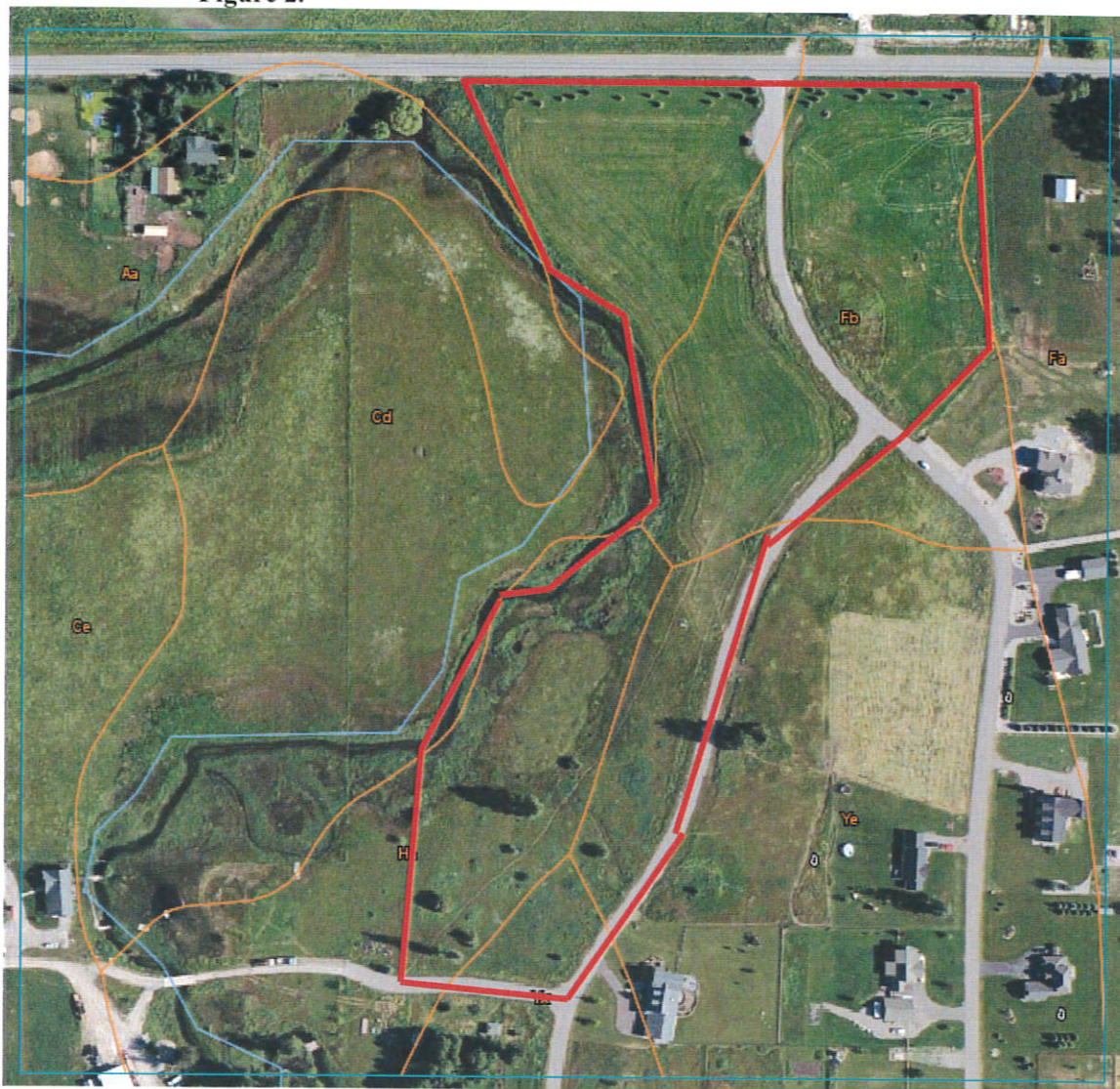
g. Agriculture and Timber Production:

- i. On a sketch map locate the acreage, type and agricultural classifications of soils.

The property is mapped by the 1960 Upper Flathead Valley Soils Survey and it identifies four different soil types: Corvallis Silty clay loam (Cd), 0-3 % slopes with a Class IIw-1 capability unit rating; Flathead fine sandy loam (Fb), 3-7 % slopes with a Class IIs-1 capability unit rating; Half Moon silt loam (Ha), 0-3 % slopes with a Class IIs-1 capability unit rating; and Yoeman gravelly loam (Ye), 0 to 7% Slope with a Class IIs-1 capability rating;. These Class II are good soils for dry land farming as there are easily tillable and have good amounts organic material. (Source: 1960 Upper Flathead Valley Area Soils Survey)

The attached USDA Natural Resources Conservation Service, Web Soil Survey information is intended primarily for agricultural production (Figure 2).

Figure 2.



Source: USDA Natural Resources Conservation Service, Web Soil Survey and Soils Survey Upper Flathead Valley Area Montana, Issued September 1960.

Map Unit Legend			
Upper Flathead Valley Area, Montana (MT617)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Aa	Alluvial land, poorly drained	5.9	10.6%
Cd	Corvallis silty clay loam, 0 to 3 percent slopes	16.4	29.5%
Ce	Creston silt loam, 0 to 3 percent slopes	2.9	5.3%
Fa	Flathead fine sandy loam, 0 to 3 percent slopes	3.5	6.3%
Fb	Flathead fine sandy loam, 3 to 7 percent slopes	7.0	12.6%
Ha	Half Moon silt loam, 0 to 3 percent slopes	6.2	11.1%
Ye	Yeoman gravelly loam, 0 to 7 percent slopes	12.1	21.8%
Yx	Yeoman stony loam, 7 to 12 percent slopes	1.6	2.9%
Totals for Area of Interest		55.6	100.0%

- ii. Identify and explain the history of any agricultural production of the by crop type and yield.

Prior to the development of the Fox Hill Estates development in 2003, the property was party of the Leighty Brothers Farm. The Leighty Brothers farmed hay, alfalfa, and ran a dairy before they retired and the sons Mark and Terry took over. Currently just a small amount of hay is cut on the property.

- iii. Describe the historical and current agricultural uses which occur adjacent to the proposed subdivision and explain any probable impacts and measures which will be taken to avoid or limit development conflicts with adjacent agricultural uses.

Phase 3 is buffered from agricultural uses on the west by park land dedicated in a previous phase. The property to the east and south are buffered by other parts of the subdivision. Farm activity to the north is buffered by the old Leighty grain bins and Mennonite Church Road. As most of the adjacent property is dry land wheat crop, there should be little noise or conflict to consider.

- v. If timbered, identify and describe any timber management recommendations which may have been suggested or implemented by a professional forester.

The property is not timbered.

h. Agricultural Water User Facilities:

- i. On a sketch map or aerial photo, locate any agricultural water user facility, including but not limited to agricultural water works, wells, canals, irrigation ditches, and pump houses on-site or adjacent to the proposed subdivision.

There are no shared agricultural water works, canals, irrigation ditches, pump houses etc. The property is not located within an agricultural water district.

- ii. Describe any agricultural water user facility on the site or in proximity that might be affected and explain any probable impacts(s) and measures which will be taken to avoid or mitigate probable impacts.

There are no shared agricultural water works, canals, irrigation ditches, pump houses etc that will be affected by the proposed subdivision. As Blaine Creek runs only intermittently there are no irrigation rights that we know of on the creek.

- iii. It is recommended that the subdivider discuss any impact of the proposed development on agricultural water user's facilities with irrigation company or organization controlling the facility and incorporate any recommendations from the agency to mitigate water user impacts

The property is not in an agricultural irrigation district or are there any agricultural irrigation districts or companies in proximity of the subdivision.

- i. Historical Features:

- i. Describe and locate on a plat overlay or sketch map any known or possible historic, paleontological, archeological or cultural sites, structures, or objects which may be affected by the proposed subdivision.

This site has been in agricultural production and owned by the same family for several generations. The Phase 3 property has undergone extensive development with roadbuilding and utility installation. There have been no discoveries by the landowner or the developers of any of the above-noted types of phenomena.

- ii. Describe any plans to protect such sites or properties.

There are no historic or culturally significant sites or structures so therefore there are no plans for protection. N/A.

- iii. Describe the impact of the proposed subdivision on any historic features, and the need for inventory, study and/or preservation and consultation with the State Historic Preservation Office (SHPO).

As there have been no such historic features found on this property, no inventory, study and/or preservation has been proposed.

- j. Visual Impact:

- i. Describe any efforts to visually blend development activities with the existing environment.

The proposed subdivision is Phase 3 of a four phase development. Phase 1, 2, and 4 have already received final plat and all of the infrastructure is in place for all phases including Phase 3. Houses have been constructed in each phase and the surrounding properties. The proposed Phase 3 will blend seamlessly with the neighboring phases.

k. Air Quality:

- i. Describe any anticipated impact to air quality caused from dust or other air pollutants, including dust created by roads, and any means to mitigate the impact to air quality.

All subdivision roads within the project are paved. At the time the subdivision was originally proposed and the first three phases were developed, Mennonite Church Road was a gravel road. Flathead County, the Fox Hill neighborhood, and other neighbors got together and created a Rural Special Improvements District that paved Mennonite Church Road, eliminating much of the dust issues in the neighborhood. (See Dust Control Plan, Appendix E)

l. Area Hazards

- i. Describe and locate on a plat overlay or sketch map any hazardous concerns or circumstances associated with the proposed subdivision site, including, but not limited to:

There is a small ribbon of floodplain located along the Blaine Creek channel. The floodplain boundary is located on the preliminary plat and building envelopes will prohibit development in the floodplain area. The property is not mapped in the Wildland Urban Interface.

- A. Any part of the proposed subdivision that is located within the Wildland Urban Interface priority area. If located in the Wildland Urban Interface or high fire hazard area identified by a local fire district or fire protection authority described probable impact(s) and measures to mitigate the impacts(s), or submit a statement why no impact is anticipated, providing documentation to support the statement.

The property is located within the Creston Volunteer Fire District. The property is not mapped as a Wildland Urban Interface. (Flathead County GIS). The developers worked with the Creston Fire Department and installed a 300 gpm pump and well to serve the entire Fox Hills community in a previous phase.

- B. Any potential hazardous materials contained on site, including high pressure gas lines, high voltage transmission lines, super fund sites, abandoned landfills, mines or sewer treatment plants, etc. In some cases an "Environmental Site Assessment" may be required.

There are no hazardous materials located on the site. The property's historic use was agricultural; there is no indication from

walking the property that it was used for heavy industry or mining. There are no super fund sites or hazardous waste sites on or adjacent to the Fox Hill property (MDEQ and NRIS Search).

- C. Describe measures to mitigate any adverse impacts associated with area hazards.

The Phase 3 subdivision provided building envelopes to address the floodplain and keep residential structures out of those areas. No other measures are proposed.

Part 2 - Community Impact Report (This portion of the Report was prepared in part with information provided by Carver Engineering)

a. Water Supply:

- i. Describe the proposed water system and how water will be provided for household use and fire protection and the number of gallons needed to meet the needs of the anticipated final population.

A public water system was installed with the initial phase of Fox Hill Estates. MDEQ reviewed the water system for Phase 3 and approved the on May 29, 2008 per EQ #08-2829. The MDEQ documents show an average daily demand from the subdivision of 4,192 gpd. (MDEQ Approval, Appendix B)

- ii. Indicate whether the plans for water supply meets state standards for quality, quantity and construction criteria.

Because this is a phased subdivision and this is the last phase, MDEQ has reviewed and approved the water system for the subdivision. Brett Birk, PE, certified the installation of the water system. As this is a public water system, it is subject to the regular inspections for water quality.

- iii. If the subdivider proposes to connect to an existing water system:

Yes, Phase 3 is connecting to the Fox Hill Water and Sewer District. Water mains were installed in Foxtail Drive and Fox Den Trail and curb stops were installed for the proposed lots. The MDEQ has approved connection to this water system.

- A. Identify and describe that system.

Fox Hill Water and Sewer District will serve Phase 3.

- B. Provide written evidence that permission to connect to that system has been obtained.

See MDEQ Approval. (Appendix B)

- C. State the approximate distance to the nearest main or connection point.

The sewer and water mains are located in Foxtail Drive and Fox Den Trail which abut each Lot in Phase 3.

- D. State the cost of extending or improving the existing water to service the proposed development.

N/A – All water and sewer mains are in place.

- E. Show that the existing water system is adequate to serve the proposed subdivision.

See attached MDEQ approval (Appendix B).

- iv. If a public water system is to be installed, discuss:

N/A – The public water system is already in place.

- A. Who is to install that system and when it will be completed?

N/A – The public water system was installed by the developer in previous phases.

- B. Who will administer and maintain the system at the beginning of subdivision development and when subdivision is completed.

The Fox Hill Water and Sewer District is responsible for administration and maintenance of the system .

- C. Provision of evidence that the water supply is adequate in, quality, and dependability (75-6-102 MCA).

See MDEQ approval (Appendix B).

- v. If individual water systems are to be provided, describe the adequacy of supply of the ground water for individual wells or cisterns and how this was determined.

N/A – Individual water systems are not proposed.

b. Sewage Disposal:

- i. Describe the proposed method of sewage disposal and system.

Fox Hill Estates, Phase 3 will be served by the public sewer system operated by the Fox Hill Sewer and Water District.

- ii. Indicate the number of gallons of effluent per day which will be generated by the proposed subdivision at its full occupancy, whether the proposed method of sewage disposal is sufficient to meet the anticipated final needs of the subdivision and whether it meets state standards.

The maximum peak daily wastewater flow is 350 gallons per day (gpd) per dwelling unit with a combined flow for the eight lots of 2,800 gpd generated by the subdivision. The MDEQ reviewed and approved the wastewater design for Phase 3 of Fox Hill Estates. (See MDEQ approval, Appendix B)

- iii. If the development will be connected to an existing public sewer system, include:

The subdivision will connect to the Fox Hill Water and Sewer District sanitary sewer system.

- A. A description of that system and approximate distance from the nearest main or connection point to the proposed subdivision.

Sewer and water mains we constructed in Foxtail Drive and Fox Den Trail in accordance with the MDEQ approval. Therefore the sewer main abuts each lot.

- B. Written evidence that permission to connect to that system has been obtained.

The subdivision received MDEQ approval for connection and extension of the system. Permission is implied as the same developer that completed the first three phases and constructed the water and sewer system as are the same developers that are proposing Phase 3.

- iv. If a new public sewage disposal system, as defined under 75-6-102 MCA, is to be installed, discuss:

N/A – The applicants are connecting to an existing system..

- A. When the system will be completed, and how it will be financed.

N/A – The system is complete..

- B. Who is to administer and maintain the proposed system at the beginning of subdivision development and when development is completed?

Fox Hill Water and Sewer District.

c. Storm Water Drainage

- i. Describe the proposed methods of storm water drainage for roads and other anticipated impervious surfaces, including storm water calculations.

Stormwater was reviewed and approved with the May 29, 2008, MDEQ approval. Stormwater drainage for the road system was addressed in the construction of the road in the previous phases and according to the MDEQ approval, the typical residential development will decrease run-off of the lots over the pre-existing conditions. (See stormwater runoff calculations in the MDEQ approval, Appendix B).

- ii. Describe the proposed methods of storm water drainage for other areas of the subdivision, including stormwater calculations.

See answer to c.i. above.

- iii. Identify the mechanism and who is responsible for maintenance of the storm water drainage system.

The individual lot owners will be responsible for runoff water generated on their own properties. The HOA is responsible for any road related drainage structure..

d. Solid Waste Disposal:

- i. Describe the proposed system of solid waste collection and disposal for the subdivision including:

The subdivision will use a contract hauler for refuse collection and hauling. The landfill is located along U.S. Highway 93 about 20 miles northwest of the subject property.

- A. Evidence that existing systems for collection and facilities for disposal are available and can handle the anticipated additional volume.

The Flathead County Growth Policy (2012 Update) provides Solid Waste projection in Chapter 7. According to the Growth Policy, the landfill has a capacity for current and future needs of 29 years if the increase in waste stream grows at 8% annually and 57 years if the waste stream grows at 2%. Based on the estimated capacity remaining as of July 2008, combined with current and projected inflow as well as diversion rates, the Flathead County Landfill is anticipated to reach capacity by 2055. Expanded recycling programs could be instituted within the County to increase the life expectancy of the landfill. In 2011 the Landfill acquired additional property adjacent to the landfill and is looking to acquire more property to provide up to 100 years of life.

- B. A description of the proposed alternative where no existing system is available.

N/A

e. Roads

- i. Describe any proposed new public or private access roads or substantial improvements of existing public or private access roads.

All of the roads within Fox Hill Estates are complete and that includes Foxtail Drive and Fox Den Trail that serve phase 3. The subdivision roads meet County standards as certified by Brett Birk, PE.

- ii. Discuss whether any of the individual lots or tracts have access directly to arterial or collector roads; and if so, the reason access was not provided by means of a road within the subdivision.

All of the proposed lots have direct access to the internal subdivision roads and none of the lots will have direct access to a County road.

- iii. Explain any proposed closure or modification of existing roads.

The proposed subdivision will not alter or close any other road, private or public.

- iv. Identify existing primary road Average Vehicle Traffic and subdivision daily vehicle traffic assigned to that primary road.

Based on Flathead County Subdivision Regulations and the ITE Trip Generation Manual, each single family residence averages 10 vehicle trips per day. With eight new lots, Fox Hill Estates Phase 3 will generate approximately 80 vehicle trips per day at full build out. The internal subdivision road connects to Mennonite Church Road which is a paved, County maintained road. According to the Flathead County Traffic Counts posted on the County's website, the last count of Mennonite Church Road east of Highway 35 occurred in 2010 and it had a count of 644 tips per day.

- v. Describe provisions considered for dust control on roads.

All roads within the subdivision will be paved. Fox Hill Estates along with neighboring land owners and Flathead County established a Rural Special Improvement District to pave Mennonite Church Road approximately five or six years back in order to address road dust. Road dust is no longer a problem on Mennonite Church Road.

- vi. Indicate who will pay the cost of installing and maintaining dedicated and/or private roadways.

All of the roadways in the subdivision have been constructed by the applicants of Phase 3.

- vii. Discuss how much daily traffic will be generated on existing local and neighborhood roads and main arterial, when the subdivision is fully constructed.

Based on Flathead County Subdivision Regulations and the ITE Trip Generation Manual, each single family residence averages 10 vehicle trips per day. With eight new lots, Phase 3 will generate approximately 80 vehicle trips per day at full build out. Add this to the 644 trips per day on Mennonite road and the total is 724 trip per day. This figure is presumed to be low as the County traffic counts are six years old.

- viii. Indicate the capacity of existing and proposed roads to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.

Mennonite Church Road was recently reconstructed and paved by the establishment of a RSID. Phase 3 of Fox Hill Estates was anticipated in

the RSID creation and the new lots will contribute to the retiring the RSID and reducing the individual payment of the existing contributors.

- ix. Explain whether year round access by conventional automobile will be available over legal rights of way to the subdivision and to all lots and common facilities within the subdivision.

The roads within the subdivision will be privately maintained by the Fox Hill Estates HOA. Maintenance includes annual duties such as snow removal as well as long term duties such as asphalt repair and overlays. Flathead County Road Department maintains and removes snow from Mennonite Church Road.

f. Utilities:

- i. Include a description of:

- A. The method of furnishing electric, natural gas or telephone service, where provided.

Flathead Electric Co-op provides electrical power and CenturyLink provides telephone service..

- B. The extent to which these utilities will be placed underground.

All utilities are installed underground.

- C. Estimated completion of each utility installation.

All utilities are in place to serve the lots in Phase 3.

g. Emergency Services:

- i. Describe the emergency services available to the subdivision such as:

- A. Is the proposed subdivision in an urban or rural fire district? If not, will one be formed or extended? In absence of a fire district, what fire protection procedures are planned?

The proposed subdivision is within the Creston Rural Fire District. The Fire Chief, Gary Mahugh, has reviewed the entire Fox Hills Estates subdivision, improvements have been completed, inspected and approved. (See attached letter). A 10,000 gallon recharge unit with a 300 gpm pump has been installed at a central location within the Fox Hills Estates subdivision for use by the community in case of an emergency.

B. Police protection.

The proposed subdivision will be served by the Flathead County Sheriffs Office. Chapter 7, Part 4, of the Flathead County Growth Policy, states that the Sheriff's Office has six divisions with 118 employees of which 48 are "on the ground" law enforcement officers responsible for the unincorporated portions of the County. The Sheriff's Office runs three shifts in a 24 hour period with 4 to 6 officers on duty each shift.

C. Ambulance service/Medical services.

Ambulance service is provided by Alert or through assistance of a neighboring Fire District. The Creston Volunteer Fire District has 37 fire fighters and EMT's. The District responds to medical emergencies with EMT's and a full array of medical emergency equipment. (Creston Volunteer Fire Department website).

D. Give the estimated response time of the above services.

Response times vary with a volunteer Fire Department but they should be on site within 10 to 15 minutes.

E. Can the needs of the proposed subdivision for each of the above services be met by present personnel and facilities?

The Creston Fire Chief approved access and tanker recharge for the subdivision. (See Appendix G).

h. Schools:

i. Identify the School Districts and describe the available educational facilities which would service this subdivision.

The Creston School District serves the Fox Hills Estates subdivision. This is a K-6 facility with bus service. According to the Flathead County Superintendent of Schools Statistical Report, there were 82 students attending the Creston School in the Fall of 2015. Older students attend Kalispell Junior High and Glacier High School.

ii. Estimate the number of school children that will be generated from the proposed subdivision.

Using County wide average of 0.31 school aged children per residence. (There were 14,753 students recorded with the Flathead County

Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the 8 lots would generate two to three students in the schools system K – 12.

- iii. The subdivider shall discuss the impact of the proposed development on the provision of educational services with the administrator(s) of the school system(s). The subdivider shall provide a written statement outlining whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system, any recommendations of the administrator(s), and any mitigation planned to overcome any adverse impacts of the proposed development on the provision of educational services.

Based on the School Statistics Report from the Superintendent of Schools, enrollment has declined in the Creston School District. The two to three additional school aged children generated by the eight lots should not impact the Creston or Kalispell School Districts

i. Land Use:

- i. Describe comprehensive planning and/or land use regulations covering the proposed subdivision or adjacent land and if located near the jurisdictional area of an incorporated city or town, whether annexation is proposed.

The property in Creston area is not zoned by Flathead County and the area is not part of a Neighborhood Plan. The Creston area is covered by the Flathead County Growth Policy. The Flathead County Growth Policy does not contain a future land use map so the text of the document provides direction for the long term planning of the area. .

See the following for Goals and Policies of the Growth Policy related to the Subdivision:

Goal 3B Preserve the cultural integrity of private and public agriculture and timber lands in Flathead County by protecting the right to active use and management and allowing flexibility of private land use that is economically and environmentally viable to both landowner and Flathead County.

P.3.3. Maintain flexibility of land use options to forest and agricultural land owners by focusing on mitigating the negative impacts of development.

P.3.4 Develop equitable and predictable impact mitigation for covering rural timber and agricultural lands to residential real estate.

G.10 Restrict development on lands that pose an unreasonable risk to the public health, safety, and general welfare

G.18 To accelerate the development process for park, trail, and open space infrastructure to meet the challenges of community growth and development.

G.23 Maintain safe and efficient traffic and mobility of County roadways.

P.23.3 Limit private driveways from directly accessing arterials and collector roads to safe separation distances.

P.24.3 Require development projects to design local road systems that complement planned land uses and maintain mobility on arterial roads and highways.

P.24.4 Require road easement dedications for identified areas of future connectivity as subdivision developments are proposed, to serve the present and future needs of the County.

G.29 Improve, protect and maintain drinking water resources.

P.29.2 Promote the installation of community sewer and/or water services in areas where the quantity and or quality of drinking water are threatened.

G.41 Promote the preservation of critical fish and wildlife habitat and preserve the area's unique outdoor amenities and quality of life.

P.41.2 Discourage unlimited development in areas identified as critical wildlife habitat.

The proposed subdivision complies with the provisions of the Growth Policy.

- The applicant is developing the last phase of a four phase project and the development is adjacent to the previous phases..
- There are no undesirable health or safety risks on this property such steep slopes or in an area of shallow groundwater. The applicant is proposing building envelopes to keep homesites out of the floodplain.
- The subdivision is utilizing existing transportation connections thereby eliminating new approaches onto arterial and collector roads.

- The development is connecting to the Fox Hill Water and Sewer District.

- The proposed subdivision is not located in an area that has critical wildlife habitat or species of concern.

- ii. Describe how the subdivision will affect access to any public lands. Where public lands are adjacent to or near the proposed development, describe present and anticipated uses for those lands; (e.g., grazing, logging, recreation, etc.).

There are no public lands adjacent to the proposed subdivision. There is no impact on public lands as a result of this subdivision.

- iii. Describe the effect of the subdivision on adjacent land use.

Phases 1 and 2 of Fox Hill Estates abut the property to the east and south. The Fox Hill Estates park abuts the property on the west. The Leighty farmstead homes abut the project on the north. Phase 3 should not affect the neighboring residential use in a negative manner.

- iv. Describe any health or safety hazards on or near the subdivision, such as mining activity or potential subsidence, high pressure gas lines, dilapidated structures or high voltage power lines. Any such conditions should be accurately described and their origin and location identified. List any provisions that will be made to mitigate these hazards.

There are no such hazards located on the proposed Fox Hill Estates, Phase 3 subdivision.

j. Housing:

- i. Indicate the proposed use(s) and number of lots or spaces in each:

- A. For residential indicate the type of dwelling unit.

The proposed development will consist of eight single family units on eight lots.

- B. For all other uses the type and intensity of use (e.g. industrial, commercial, etc.).

There are no commercial or industrial uses are proposed within the development.

k. Parks and Recreation Facilities:

- i. Describe park and recreation facilities to be provided within the proposed subdivision and other recreational facilities which will serve the subdivision.

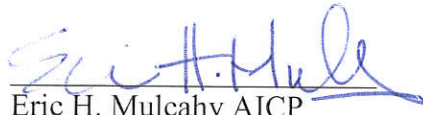
Parks A and B in Fox Hills Estates have the combined acreage of 10.064 acres of parkland/open space. The Subdivision Regulations require 5% of the land in lots be dedicated for parkland dedication and there is 59.472 acres in lots between one and three acres in size so the required dedication equals 2.97 acres of parkland. Therefore, the applicants have dedicated three times the amount of parkland required by the Flathead County Subdivision Regulations. The addition of eight new lots as a result of Phase III would add only .57 acres of required parkland, so there still is significantly more parkland dedicated than required by subdivision regulation. Residents of Phase III will be incorporated into the Homeowner's Association and expected to pay a proportionate share in maintaining and upkeep parkland.

l. Public Health and Safety:

- i. Describe any probable impacts and any measures to mitigate the impacts, or submit a statement explaining why no impact is anticipated, providing documentation to support that statement that might affect public health and safety that aren't specifically addresses in other sub –sections of the environmental assessment.

Other than those mentioned in this EA, there are no other impacts and therefore mitigations that would impact the Public Health and Safety.

Prepared By:

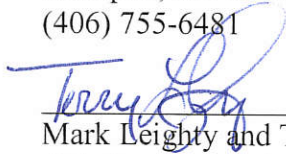


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Date:

6/2/16

Applicant:



Mark Leighty and Terry Leighty
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Date:

6/2/14

EA APPENDICIES

- A. Test Hole, Well Log, Water Sample data, and stormwater drainage data, Non-degradation Analysis by Land and Water Consulting, Inc, Roger Noble
- B. MDEQ Approvals EQ #08-2829
- C. Species of Concern Data, Montana Natural Heritage Program, 3/21/16
- D. Riparian Resources Plan – Fox Hill Estates, Phase 3
- E. Dust Control Plan
- F. CC&R's – Fox Hill Estates
- G. Birk Engineering Certification, Creston Fire Department Letter, USPS Letter

MAPS/PLANS

Vicinity
Floodplain (FIRM Panel 1835J)
Preliminary Plat